

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Valeant Pharmaceuticals North America LLC; Valeant Pharmaceuticals Ireland Ltd.; Dow Pharmaceutical Sciences, Inc.; and Kaken Pharmaceutical Co., Ltd.

(b) County of Residence of First Listed Plaintiff Somerset

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

William P. Deni, Jr.

Gibbons P.C., One Gateway Center, Newark, NJ 07102

973-596-4853; wdeni@gibbonslaw.com

**DEFENDANTS**

Perrigo Pharma International DAC and Perrigo Co. Plc

County of Residence of First Listed Defendant Ireland

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education <b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
Title 35, United States Code § 100 et seq., including 35 U.S.C. §§ 271 and 281

Brief description of cause:

This is an action for patent infringement related to Defendants' filing of an ANDA.

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE Hon. Peter G. Sheridan, U.S.D.J.

DOCKET NUMBER See attached Local Civil Rule 11.2 Certification

DATE

12/21/2018

SIGNATURE OF ATTORNEY OF RECORD

s/ William P. Deni, Jr.

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**GIBBONS P.C.**

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Newark, New Jersey 07102  
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*Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

VALEANT PHARMACEUTICALS  
NORTH AMERICA LLC; VALEANT  
PHARMACEUTICALS IRELAND LTD.;  
DOW PHARMACEUTICAL SCIENCES, INC.;  
and KAKEN PHARMACEUTICAL CO., LTD.,

Plaintiffs,

v.

PERRIGO PHARMA INTERNATIONAL  
DAC; and PERRIGO CO. PLC,

Defendants.

Civil Action No. 18- 17518

*Document Electronically Filed*

**CERTIFICATION PURSUANT TO  
LOCAL CIVIL RULE 11.2**

Pursuant to Local Civil Rule 11.2, the undersigned, attorney of record for Plaintiffs, hereby certifies that to the best of my knowledge and based upon the information available to me, the matter in controversy is not the subject of any other action pending in any court or of any pending arbitration or administrative proceeding, with the exception that the above-captioned action concerns the same drug, Jublia<sup>®</sup>, that is at issue in the following actions pending in this district before the Honorable Peter G. Sheridan, U.S.D.J.:

1. *Valeant Pharmaceuticals North America LLC, et al. v. Zydus Pharmaceuticals (USA) Inc., et al.*, Civil Action No. 18-13635
2. *Valeant Pharmaceuticals North America LLC, et al. v. Aurobindo Pharma USA Inc., et al.*, Civil Action No. 18-13693

3. *Valeant Pharmaceuticals North America LLC, et al. v. Solaris Pharma Corp.*, Civil Action No. 18-13695
4. *Valeant Pharmaceuticals North America LLC, et al. v. Strides Pharma Inc., et al.*, Civil Action No. 18-13696
5. *Valeant Pharmaceuticals North America LLC, et al. v. Lupin Ltd., et al.*, Civil Action No. 18-13700
6. *Valeant Pharmaceuticals North America LLC, et al. v. Par Pharmaceutical, Inc.*, Civil Action No. 18-13701
7. *Valeant Pharmaceuticals North America LLC, et al. v. Alkem Laboratories, Ltd.*, Civil Action No.: 18-13905
8. *Valeant Pharmaceuticals North America LLC, et al. v. Aleor Dermaceuticals Ltd.*, Civil Action No.: 18-13954
9. *Valeant Pharmaceuticals North America LLC, et al. v. Acrux DDS Pty Ltd.*, Civil Action No. 18-14194
10. *Valeant Pharmaceuticals North America LLC, et al. v. Apotex Inc., et al.*, Civil Action No. 18-14202
11. *Valeant Pharmaceuticals North America LLC, et al. v. Macleods Pharmaceuticals Ltd., et al.*, Civil Action No. 18-14204
12. *Valeant Pharmaceuticals North America LLC, et al. v. Perrigo Pharma Inter., et al.*, Civil Action No. 18-14207
13. *Valeant Pharmaceuticals North America LLC, et al. v. Slayback Pharma, LLC, et al.*, Civil Action No. 18-14208
14. *Valeant Pharmaceuticals North America LLC, et al. v. Teva Pharmaceuticals USA, Inc., et al.*, Civil Action No. 18-14209
15. *Valeant Pharmaceuticals North America LLC, et al. v. Cipla Ltd., et al.*, Civil Action No. 18-14225
16. *Valeant Pharmaceuticals North America LLC, et al. v. KVK-Tech, Inc.*, Civil Action No. 18-14298
17. *Valeant Pharmaceuticals North America LLC, et al. v. Mylan Pharmaceuticals Inc., et al.*, Civil Action No. 18-14305
18. *Valeant Pharmaceuticals North America LLC, et al. v. Amneal Pharmaceuticals LLC, et al.*, Civil Action No. 18-14468

19. *Valeant Pharmaceuticals North America LLC, et al. v. Taro Pharmaceuticals LLC, et al.*, Civil Action No. 18-15060
20. *Valeant Pharmaceuticals North America LLC, et al. v. Amneal Pharmaceuticals LLC, et al.*, Civil Action No. 18-17246
21. *Valeant Pharmaceuticals North America LLC, et al. v. Lupin Ltd., et al.*, Civil Action No. 18-17501

I certify under penalty of perjury that the foregoing is true and correct.

Dated: December 21, 2018  
Newark, New Jersey

By: s/ William P. Deni, Jr.  
William P. Deni, Jr.  
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